

REMARKS

In the Office Action dated July 28, 2004, pending claim 1 is objected to because of informalities present therein. Pending claims 1 through 8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 6 through 8 and 18 of U.S. Patent No. 6,588,636. Claims 3, 4, 7, and 8 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Finally, claims 1 through 8 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,129,371 (“Powell”).

Claim Objections

Claim 1 is rejected as containing an informality, “selective” instead of “selectively.” Applicants amend claim 1 as suggested by the Examiner. Additionally, Applicants herein delete “also,” as it is unnecessary to claim 1.

Double Patenting Rejection

Claims 1 through 8 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 6 through 8 and 18 of U.S. Patent No. 6,588,636. Enclosed herewith is a terminal disclaimer in compliance with 37 CFR 1.321(c). Applicants respectfully request that the Examiner withdraw the double patenting rejection of claims 1 through 8.

35 U.S.C. §112, Second Paragraph

Claims 3, 4, 7, and 8 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

Applicants regard as the invention. In response thereto, Applicants have rephrased the limitations of claims 3 and 4 to remove the 0 degrees suggestion. As claims 7 and 8 depend either directly or indirectly from claim 4, claims 7 and 8 no longer appear indefinite. Applicants, therefore, respectfully request that the 112 rejection be withdrawn and claims 3, 4, 7, and 8 indicated as allowable.

35 U.S.C. §102(b) Rejections

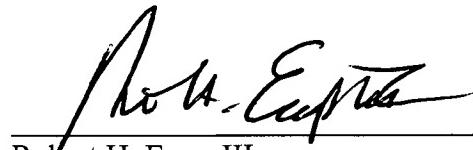
Claims 1 through 8 stand rejected under 35 U.S.C. §102(b) as being anticipated by Powell. Powell, however, does not disclose each and every element of Applicants' claims 1 through 8. Particularly, Powell does not disclose each and every element as recited in Applicants' claim 1. The horizontal bar (14) is the only element capable of engaging the receiver device (44). There is no suggestion that the first lower horizontal hitch extension bar (12) can engage a second hitch receiver. Further, such a suggestion is inoperable because the hollow receiving end (18), which is a female coupler, would be incapable of telescopically engaging a second receiver device, also a female coupler. Therefore, Powell does not disclose a first segment capable of engaging a first hitch element and a second segment capable of engaging a second hitch element as required in Applicants' claim 1.

However, Applicants herein amend claim 1 to clarify for the Examiner that the accessory carrier assembly is mountable to a vehicle having a hitch element. Claim 1 is clarified to identify that the first and second segments are capable of telescopically engaging first and second vehicle mounted hitch elements. While Powell does disclose a horizontal bar 14 for engagement with a vehicle mounted hitch element (second segment as argued by the Examiner), Powell does not disclose any other segment capable of telescopic engagement with a different vehicle mounted hitch element having a difference cross sectional size. As such, Applicant believes that the

Section 102 rejection of claim 1 is inappropriate. Applicants, therefore, respectfully request that the Examiner withdraw the 102(b) rejection and indicate claims 1 through 8 as allowable.

New claims 9 through 19 have been added hereto and appear patentable over the art. No new matter has been added as a result of any amendments. In light of the foregoing, Applicant submits that the application is in condition for allowance.

Respectfully submitted,



Robert H. Earp, III
Reg. No. 41,004
McDonald Hopkins Co., LPA
600 Superior Avenue, E.
Suite 2100
Cleveland, OH 44114-2653
(216) 348-5740

Date: 10/26/04